IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Tr.P(C).No. 22 of 2007

OP.822/2005 of FAMILY COURT,THRISSUR

.....

PETITIONER:

G.KAVITHA, W/O. LAKSHMI NARAYANAN,
AGED 28 YEARS, RESIDING AT VRINDAVAN,
HOUSE NO.29/2624, POONITHURA VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SMT.K.NANDINI

RESPONDENT:

V.K.LAKSHMI NARAYANAN, S/O. KRISHNAN
EMBRANTHIRI, AGED 37 YEARS, WARRIATH
MADOM, CHENTHRAPPINNI VILLAGE,
KODUNGALLUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.K.R.KURUP
SRI.K.J.ABRAHAM
SRI.LAVARAJ M.G.

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Tr.P.(C)No. 22 of 2007

ORDER

The petitioner, who seeks for transfer of O.P.No.822/05 from the file of the Family Court, Thrissur to the Family Court, Ernakulam, is the wife of the respondent. The petitioner is employed at Ernakulam at present and the respondent is employed at Thrissur. The original petition sought to be got transferred is one filed as early as in 2005. The petitioner has filed O.P.Nos.6/07 and 26/07 before the Family Court, Ernakulam. It is on the allegation that she was being intimidated and harassed by the respondent when she went over to Thrissur in December 2006 and January 2007 that she has sought for a transfer of the case.

2. The allegation is strongly refuted by the respondent. In relation to the occurrence that had taken place in December 2006 and January 2007 no

complaint was given to the police and there is absolutely no evidence to show that any such incident has taken place apart from the allegation made by the petitioner. There is no evidence to show that the matter was reported to the court either. The counsel for the petitioner submits that she is not the counsel appearing for the petitioner in the Family Court, Thrissur.

3. It is vehemently contended by the counsel for the petitioner, on the strength of the decision in **Sumita Singh v. Kumar Sanjay** [(2001) 10 SCC 41) that in matrimonial cases, cases have to be transferred and posted to that station which would be convenient for the wife. The said decision has no application to the facts of this case as the request for transfer was made only after filing O.P.Nos.6/07 and 26/07 before the Family Court, Ernakulam; in one case impleading also the parents of the respondent.

4. When the petition was pending before the Family Court, Thrissur from 2005 onwards, it is

very difficult to believe that in December 2006 and January 2007 the petitioner was harassed and taken to task by the respondent when she went over for the case. If at all any occurrence as alleged, namely, that the petitioner and her father were invited to the house of the respondent offering to hand over the gold ornaments and were detained there, threatening that they would not be allowed to leave the place unless they give acknowledgment for having received the gold ornaments, certainly, complaint would have been filed before the police. In the circumstances, I am not prepared to accept the allegations as truthful allegations to ask for transfer of the case to the Family Court, Ernakulam.

This writ petition, in the circumstances, is devoid of merit and is, hence, dismissed.

1st March, 2007 (K.P.Balachandran, Judge)

tkv